

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

KEVIN McCABE

Plaintiff,

-against-

CVS HEALTH CORPORATION and CVS
PHARMACY, INC.,

Defendant.

No. 1:22-cv-3116 (RPK)

**NOTICE OF MOTION TO
DISMISS AMENDED
COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, Defendants CVS Health Corp. and CVS Pharmacy, Inc. shall move this Court, located at 225 Cadman Plaza East, Brooklyn, New York 1120, on a date and time to be determined by the Court, for an order pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure, dismissing the Amended Complaint against Defendants in this action.

In accordance with the Court's October 7, 2022 Order, any opposing papers shall be served on or before November 4, 2022, and any reply papers shall be served on or before November 11, 2022.

Dated: October 14, 2022
New York, New York

Respectfully submitted,

ZUKERMAN GORE BRANDEIS
& CROSSMAN, LLP

By: /s/ Edward L. Powers
Edward L. Powers
Florence M. Craig
Vyasa M. Murthy
Eleven Times Square
New York, New York 10036
Tel.: (212) 223-6700
epowers@zukermangore.com

fcraig@zukermangore.com
vmurthy@zukermangore.com

*Attorneys for Defendants CVS Health Corp.
and CVS Pharmacy, Inc.*

TO: Todd C. Bank
Attorney at Law, P.C.
119-40 Union Turnpike
Fourth Floor
Kew Gardens, New York 11415
Tel.: (718) 520-7125
tbank@toddbanklaw.com

Attorneys for Plaintiff Kevin McCabe